IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4544 OF 2006

Ramu Kanhayalal Rathod ...Applicant.
V/s.
State of Maharashtra ...Respondent.

Smt.T.R.Shetty, adv. for the Applicant.
Mr.Y.S.Shinde, APP for the State.

CORAM: J.H.BHATIA, J.
DATE : 6th February, 2007.

P.C.:

1. Heard Mrs.T.R.Shetty, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. The applicant is in custody since 7-7-2004 in Sessions Case No.487 of 2005 arising out of crime no.7 of 2004 for the offence punishable under Section 395 registered with Bhiwandi Police Station.

3. The prosecution case in brief is that on 27-1-2004, the complainant, who is the cashier with Coco Petrol Pump of BPCL at Padgha Talwali alongwith driver, manager and gunman were proceeding towards the Parsik Janata Sahakari Bank, Bhiwandi Branch to deposit an amount of Rs.22,20,835/-. On the way their jeep was intercepted by a blue Maruti car and 4-5 unknown persons got down from the said Maruti car. They were armed with

revolver and sickle. They broke open the glass and snatched the money. There were some other persons with them. In all 8-10 persons were involved in the offence. According to the prosecution, out of ten persons involved in the offence, one has been killed in an encounter and one is absconding. 8 accused were arrested and all of them were identified. The applicant is one of them.

3. It is conceded that no recovery was made from the present applicant. Except that he was identified as one of the culprits in the Identification parade, there is no evidence. Admittedly, the remaining accused, who were also identified are granted bail. There is no ground to distinguish the case of the present applicant from the accused persons who are granted bail. Therefore, on the principle of parity, the applicant also deserves to be granted bail particularly, when he is in custody for the last about 2-1/2 years and the trial has not yet commenced.

4. For the aforesaid reasons, the applicant is hereby granted bail in the sum of Rs.25,000/- with the surety in like amount with the condition that he shall not tamper the prosecution evidence and shall attend the Bhiwandi police station on every first Monday of the

month.

(J.H.Bhatia,J.)